

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
CASE NO. 4:09-CV-126-FL**

DR. ELIZABETH GAIL MARSAL,

Plaintiff,

v.

**EAST CAROLINA UNIVERSITY and DR.
JAMES F. ANDERSON,**

Defendants.

VERDICT FORM

VERDICT

**THE JURY MUST UNANIMOUSLY AGREE ON THE ANSWERS TO ALL
OF THE QUESTIONS**

**FIRST CLAIM -- SEX DISCRIMINATION CLAIM AGAINST EAST
CAROLINA UNIVERSITY**

Q1. Has Dr. Marsal proved by a preponderance of the evidence that her sex was a motivating factor in East Carolina University's decision to deny her tenure and promotion?

YES



NO

If your answer to Question 1 is "NO," then go to Question 4.

If your answer to Questions 1 is "YES," then answer Question 2.

Q2. Has East Carolina University proved by a preponderance of the evidence that it would have denied Dr. Marsal tenure and promotion even if it had not considered her sex when making that decision?

YES



NO

If your answer to Question 2 is "YES," then go to Question 4.

If your answer to Question 2 is "NO," then answer Question 3.

Q3. Under the instructions the judge has given to you, state the amount of compensatory damages East Carolina University should pay for the harm that Dr. Marsal has proved by a preponderance of the evidence that she suffered as a result of East Carolina University's decision to deny her tenure and promotion.

AMOUNT: \$ _____

SECOND CLAIM – EQUAL PROTECTION CLAIM AGAINST DR. ANDERSON

Q4. Has Dr. Marsal proved by a preponderance of the evidence that Dr. Anderson intentionally discriminated against her because of her sex when he decided not to recommend her for tenure and promotion?

YES _____ NO ✓

If your answer to Question 4 is "NO," then go on to Question 8.

If your answer to Question 4 is "YES," then answer **BOTH** Question 5 and Question 6.

Q5. Under the instructions the judge has given to you, state the amount of actual damages Dr. Anderson should pay for the harm that Dr. Marsal has proved by a preponderance of the evidence that she suffered as a result of Dr. Anderson's decision not to recommend her for tenure and promotion.

AMOUNT: \$ _____

Q6. Under the instructions the judge has given to you, do you find that punitive damages are warranted against Dr. Anderson?

YES _____ NO _____

If your answer to Question 6 is "YES," then answer Question 7.

If your answer to Question 6 is "NO," then go to Question 8.

Q7. Under the instructions the judge has given to you, state the amount of punitive damages Dr. Anderson should pay Dr. Marsal?

AMOUNT: \$ _____

THIRD CLAIM – RETALIATION FOR EXERCISE OF RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

Q8. Has Dr. Marsal proved by a preponderance of the evidence that her exercise of her rights under the FMLA was a motivating factor in East Carolina University decision to deny her tenure and promotion?

YES ☒ _____

NO _____

If you answer Question 8 is "No," then go to the Signature Instructions.

If you answer Question 8 "Yes," then answer Questions 9.

Q9. Has East Carolina University proved by a preponderance of the evidence that it would have denied Dr. Marsal tenure and promotion even if it had not considered her exercise of her FMLA rights when making that decision?

YES ☒ _____

NO _____

If you answer Question 9 "Yes," then go to Signature Instructions.

If you answer Question 9 "No," then answer Question 10.

Q10. Under the instructions the judge has given to you, state the amount of wages, salary, and employment benefits plaintiff lost as a result of ECU's violation of her rights under FMLA?

AMOUNT: \$ _____

Once you have answered the necessary questions in accordance with the instructions, the Foreperson must sign and date this Verdict Sheet.

SO SAY WE ALL

2-1-12
DATE